

# EXHIBIT D



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## The Firm

Kahn Swick & Foti, LLC (“KSF”) (www.ksfcounsel.com) is a boutique law firm with offices in New York City, San Francisco and Louisiana. KSF focuses predominantly on class actions, in the areas of securities and mergers & acquisitions, and on shareholder derivative and other complex litigation. Since its inception in 2000, KSF has recovered hundreds of millions of dollars for its clients.

KSF’s Lawyers have extensive experience litigating complex cases in the following practice areas: (i) securities litigation; (ii) corporate governance and derivative litigation; (iii) consumer protection litigation; and (iv) shareholder merger and acquisition class action litigation. A sampling of the firm’s current cases and recent recoveries is set forth below.

*“[Kahn Swick & Foti] earned my unyielding admiration and respect in this case for the efficient and exceptionally reasonable way in which they found a prompt, fair, and equitable solution to the complex problems their clients faced...”*

Hon. Mark W. Bennett,  
United States District Judge

In Re: Elgaoui v.  
Meta Financial Group, Inc.

## Securities Litigation

### CURRENT CASES

**Abramson v. NewLink Genetics Corp., et al.**, 1:16-cv-03545-WHP  
Southern District of New York  
Lead Counsel

**In re Barrick Gold Corp. Secs. Litig.**, No. 1:17-cv-3507-NRB  
Southern District of New York  
Lead Counsel

**In re Chicago Bridge & Iron Co. N.V. Secs. Litig.**, No. 1:17-cv-1580-LGS  
Southern District of New York  
Lead Counsel

**Dougherty v. Esperion Therapeutics, Inc., et al.**, No. 16-10089  
Eastern District of Michigan  
Co-Lead Counsel

**In re Eletrobras Securities Litigation**, 15-cv-5754-JGK  
Southern District of New York  
Co-Lead Counsel

**Hogan v. Pilgrim's Pride Corp. et al.**, 1:16-CV-2611-RBJ  
District of Colorado  
Lead Counsel

**Kavra v. Health Insurance Innovations, Inc. et al.**, Case No. 8:17-cv-02186-EAK-MAP  
Middle District of Florida  
Lead Counsel

**In re Orexigen Therapeutics, Inc., Securities Litigation**, 15cv540 L (KSC)  
Southern District of California  
Lead Counsel

**Pearlstein v. Blackberry Ltd., et al.**, 1:13-CV-07060-TPG  
Southern District of New York  
Lead Counsel

**In re Petrobras Securities Litigation**, 14-cv-9662  
Southern District of New York  
Member, Plaintiffs' Steering Committee for Individual Actions.

**In re Rocket Fuel, Inc. Securities Litigation**, 4:14-cv-03998-PJH  
Northern District of California  
Co-Lead Counsel

**Shawanaz v. Intellipharmaeutics Int'l Inc., et al.**, 1:17-cv-5761-JPO  
Southern District of New York  
Lead Counsel

**Ziolkowski v. Netflix, Inc. et al.**, Case No. 4:17-cv-01700-HSG  
Northern District of California, Oakland Division  
Co-Lead Counsel

## RECENT VICTORIES

**Dougherty v. Esperion Therapeutics, Inc., et al.**, No. 17-1701 (6th Cir.). On September 27, 2018, the Sixth Circuit Court of Appeals reversed and remanded the lower court's dismissal of the securities class action filed on behalf of a putative class of Esperion Therapeutics, Inc. investors. In a decision written by Senior Circuit Judge Eugene Edward Siler, Jr., the Sixth Circuit held that the district court erred by concluding that lead plaintiffs had not adequately alleged scienter, stating that, "Esperion has offered no innocent inference stronger than Plaintiffs' inference that Esperion knowingly or recklessly made material misrepresentations or omissions in its [] communications with investors." The Court further held that defendants' "innocent inference" explanations were either implausible or actually supported lead plaintiffs' allegation of recklessness.

***Khoja v. Orexigen Therapeutics, Inc. et al.***, No.16-56069 (9th Circuit). On August 13, 2018, the Ninth Circuit Court of Appeals handed lead plaintiff a major win when it overturned much of the lower court's order dismissing all claims against Defendant Orexigen Therapeutics, Inc. In a detailed 59-page opinion written by Judge A. Wallace Tashima and designated for publication, the Court found that the trial court, "in dismissing the action" had "abused its discretion by improperly considering materials outside of the complaint." Noting a "concerning pattern in securities cases like this one" -where defendants improperly "exploit[]" the incorporation-by-reference doctrine and judicial notice procedure-the Court stated that this opinion aimed to "clarify" these procedures.

***Pearlstein v. Blackberry Limited, et al.***, No. 1:13-cv-7060-CM (S.D.N.Y.). On March 19, 2018, the Hon. Colleen McMahon, Chief Judge of the United States District Court for the Southern District of New York, entered a Decision and Order denying defendants' motions to dismiss in their entirety. This matter stems from alleged material misrepresentations and omissions made by defendants to conceal the poor performance of the newly launched Blackberry Z10 smartphone. In her opinion, Judge McMahon held that lead plaintiffs had stated facts with sufficient particularity to plausibly allege that defendants had violated Section 10(b), Rule 10b-5, and Section 20(a) of the Securities Exchange Act of 1934.

***In re Chicago Bridge & Iron Co. N.V. Secs. Litig.***, No. 1:17-cv-1580-LGS (S.D.N.Y.). On May 24, 2018, the Honorable Lorna G. Schofield, U.S. District Judge for the United States District Court for the Southern District of New York, entered an Opinion and Order denying defendants' motion to dismiss the case in full.

***In re Chicago Bridge & Iron Co. N.V. Secs. Litig.***, No. 1:17-cv-1580-LGS (S.D.N.Y.). On July 27, 2017, the Honorable Lorna G. Schofield, U.S. District Judge for the United States District Court for the Southern District of New York, entered an order denying defendants' motion to transfer the case to the Southern District of Texas.

***In re Eletrobras Securities Litigation***, 15-cv-5754-JGK (S.D.N.Y.). On Monday, March 27, 2017, the Hon. John G. Koeltl of the United States District Court for the Southern District of New York entered an Opinion and Order denying certain defendants' motion to dismiss. This matter involves one of the largest kickback corruption schemes in Brazilian history. The complaint alleges that defendants made materially false and misleading statements to investors concerning the award of contracts for multi-billion dollar construction projects controlled by Eletrobras and its subsidiaries. In his opinion, Judge Koeltl determined that lead plaintiffs had standing to assert claims on behalf of investors who had purchased either American Depositary Shares, bonds or both during the Class Period. The Court also held that

lead plaintiffs had stated facts with sufficient particularity to successfully allege that certain defendants had violated Section 10(b), Rule 10b-5, and Section 20(a) of the Securities Exchange Act of 1934, including sustaining a claim for scheme liability against the Company.

## SETTLED CASES

***Dr. Joseph F. Kasper, et. al. v. AAC Holdings, Inc., et. al.***, 3:15-cv-00923 (Consolidated) (M.D. Tenn.). *Co-Lead Counsel*, federal securities class action against a for-profit substance abuse treatment provider, and certain officers and directors, arising from Defendants' misleading statements regarding a criminal investigation into the death of a patient, resulting in a settlement of **\$25 million** for investors.

***Erica P. John Fund, Inc. v. Halliburton Co., et al.***, No. 3:02-cv-1152 (N.D. Tex.). *Co-Class Counsel*, federal securities class action against oilfield services company and a high-level officer, in which Class Counsel obtained a unanimous decision by the U.S. Supreme Court in *Erica P. John Fund, Inc. v. Halliburton Co., et al.*, 563 U.S. 804 (2011) vacating and remanding a decision of the Fifth Circuit, and then successfully defeated Defendants' attack on the *Basic v. Levinson* presumption of reliance in *Halliburton Co. v. Erica P. John Fund, Inc.*, 134 S. Ct. 2398 (2014). These two Supreme Court decisions led to certification of the class, and ultimately resulted in a cash settlement of **\$100 million** for investors.

***In re Virgin Mobile USA IPO Litigation***, 2:07-cv-05619-SDW-MCA (D.N.J.), *Co-Lead Counsel*, federal securities IPO-related class action against a company providing wireless communication services, certain officers and directors, certain controlling shareholder entities, and Virgin's underwriters, resulting in a cash settlement of **\$19.5 million** for investors.

***In re Tesco PLC Securities Litigation***, 14 Civ. 8495 (RMB) (S.D.N.Y.), *Lead Counsel*, federal securities class action against one of the world's largest grocery and general merchandise retailers based in the U.K., resulting in an all-cash settlement of **\$12 million** for investors in ADRs and F shares in the United States.

***In re BigBand Networks, Inc Securities Litigation***, 3:07-CV-05101-SBA (C.D. Cal.), *Co-Lead Counsel*, federal securities class action brought against a computer hardware corporation, certain officers and directors of the Company, and the Company's Underwriters, resulting in a cash settlement of **\$11 million** for investors.

***In re U.S. Auto Parts Networks, Inc. Securities Litigation***, 2:07-cv-02030-GW-JC (C.D. Cal.), *Lead Counsel*, federal securities IPO-related class action against an online automotive

supply company, certain members of its board of directors, and its underwriters, resulting in a cash settlement of **\$10 million** for investors.

***In re CytRx Corp. Securities Litigation***, 2:14-CV-01956-GHK (PJWx) (C.D. Cal.), *Lead Counsel*, federal securities class action brought against biotechnology corporation, certain officers and directors of the Company, and the Company's Underwriters, resulting in a settlement of **\$8.5 million** for investors.

***In re ShoreTel, Inc. Securities Litigation***, 3:08-cv-00271-CRB (N.D. Cal.), *Lead Counsel*, federal securities IPO-related class action brought against an Internet protocol telecommunications company, certain of its officers and directors, and its underwriters, resulting in a cash settlement of **\$3 million** for investors.

## Corporate Governance and Derivative Litigation

### CURRENT CASES

***In re Fitbit, Inc. Stockholder Derivative Litigation***, Consolidated C.A. No. 2017-0402-JRS  
*Delaware Court of Chancery*  
*Co-Lead Counsel*

***Lieblein v. Ersek (The Western Union Company Derivative Litigation)***, No. 14-cv-144  
*United States District Court for the District of Colorado*  
*Additional Counsel for Co-Lead Plaintiffs*

***In re The Wendy's Company Shareholder Derivative Action***, Case No. 1:16-cv-01153-TSB  
*United States District Court for the Southern District of Ohio*  
*Plaintiff's Counsel*

### SETTLED CASES

***Orrego v. Lefkofsky (Groupon, Inc. Derivative Litigation)***, No. 12 CH 12420 (Ill. Cir. Ct, Cook Cnty., Ch. Div.). KSF acted as Co-Lead Counsel in the consolidated shareholder derivative action filed in the Chancery Division of the Cook County Circuit Court in Illinois, which was brought derivatively on behalf of Groupon, Inc. against certain of its current and former directors and officers for allegedly breaching their fiduciary duties by, among other things, causing Groupon to issue or make materially false and misleading statements and failing to implement necessary controls over Groupon's accounting function. KSF facilitated a settlement comprising of comprehensive corporate governance reforms with an estimated value of **\$159 million**, including changes to the Compensation Committee Charter, implementation of director education requirements, enhanced Independent Director meeting obligations, augmentations



to the Audit Committee and Disclosure Committee rules and procedures, creation of a new Director of Compliance position, and the retention of an independent auditing firm to conduct an assessment of the company's internal audit department.

***In re Bank of America Corp. Securities, Derivative, & Employment Retirement Income Security Act (ERISA) Litigation***, 09 Civ.580 (DC) (S.D.N.Y.). KSF served as court appointed Co-Lead Counsel in the Southern District of New York, and sued current and former executive officers and directors of the company, on behalf of shareholders. The substance of this action focused on Bank of America's January 1, 2009, acquisition of Merrill Lynch & Co., Inc. in a stock-for-stock transaction. This action alleged, among other things, that certain material information was omitted from the proxy statement filed with the Securities and Exchange Commission and mailed to stockholders on November 3, 2008. This proxy was critical in allowing defendants to obtain shareholder consent for the issuance of shares necessary to consummate the Merger. KSF was successful in resolving this action after defeating motions to dismiss by multiple defendants. In addition to major corporate governance reforms, KSF was also able to recover over **\$62.5 million** for the company.

***In re Barnes & Noble Stockholder Derivative Litigation***, C.A. No. 4813-VCS (Del. Ch.). As Co-Lead Counsel in this shareholder derivative action filed in the Court of Chancery of the State of Delaware on behalf of Barnes & Noble, Inc. against certain of its officers and directors, including Chairman Leonard Riggio, related to the company's 2009 acquisition of Mr. Riggio's private company Barnes & Noble College Booksellers, Inc., alleging that the purchase price, and the process by which it was agreed to, was not entirely fair to Barnes & Noble, Inc. and harmed shareholders, KSF helped obtain a settlement resulting in the recovery of **\$29 million** for Barnes & Noble, Inc. in the form of reductions to the principal and interest payable to Mr. Riggio.

***In re FAB Universal Corporation Shareholder Derivative Litigation***, Lead Case No. 14-cv-687 (S.D.N.Y.). As sole Lead Counsel in this consolidated action, KSF brought breach of fiduciary claims derivatively on behalf of FAB Universal Corporation against certain of its current and former directors and officers. Claims brought included breaches of duties of loyalty, due care, good faith, independence, candor and full disclosure to shareholders; misappropriation of material, non-public information of the Company by certain individual defendants; and violations of Section 14(a) of the Securities Exchange Act of 1934 and Rule 14a-9 promulgated thereunder. The action focused on defendants' publication of false and misleading statements concerning the Company's kiosk business in China, and the failure to disclose the issuance of \$16.4 million worth of bonds to Chinese investors in April 2013. KSF

obtained a settlement involving numerous corporate governance reforms, including the creation a new Disclosure Committee to put effective procedures and protocols in place and designed to ensure that all of the Company's public statements are vetted for accuracy, integrity and completeness. KSF was also able to cause the Company to modify the Charter of the Audit Committee to provide that at least one non-executive member of the Audit Committee has general expertise in accounting or financial management. Modifications were also caused to be made to the Company's Corporate Governance Committee and to the Company's Code of Conduct.

***In re Fifth Street Finance Corp. Stockholder Litigation***, Consolidated C.A. No. 12157-VCG (Del. Ch.). As Co-Lead Counsel in this shareholder derivative action filed in the Delaware Court of Chancery on behalf of Fifth Street Finance Corporation ("FSC") against certain current and former directors of FSC, its investment advisor, Fifth Street Asset Management Inc. ("FSAM"), and current and former directors and officers of FSAM, KSF alleged that certain FSC and FSAM officers and directors caused FSC to pursue reckless asset growth strategies, to employ aggressive accounting and financial reporting practices, and to pay excessive fees under FSC's investment advisory agreement with FSAM, in order to inflate the perceived value of FSAM in the lead up to FSAM's initial public filing. KSF was instrumental in obtaining a settlement consisting of certain changes to FSC's investment advisory agreement and governance enhancements. The changes to the investment advisory agreement include a waiver by FSAM of fees equal to \$10 million and an acknowledgment that plaintiffs were a substantial and remedial factor in the reduction of base management fees from 2% to 1.75%. The governance enhancements include additional Board governance provisions, enhanced policies, practices and procedures regarding FSC's valuation of its investments, increased disclosure of relevant issues, and increased consultation with outside advisors and independent third parties.

***Lowry v. Basile (Violin Memory, Inc. Derivative Litigation)***, No. 4:13-cv-05768 (N.D. Cal.). As counsel for the plaintiff in this shareholder derivative action, KSF brought breach of fiduciary claims derivatively on behalf of Violin Memory, Inc. against certain of its current and former directors and officers for breaches of duties and waste of corporate assets. The action focused on defendants' publication of false and misleading statements concerning the Company's operating results and financial condition and alleged waste of corporate assets by granting outsized compensation to the CEO that was not in line with the performance of the Company. KSF obtained a settlement involving numerous corporate governance reforms, including the formalization of a Disclosure Committee to put effective procedures and protocols in place and designed to ensure that all of the Company's public statements are vetted for accuracy, integrity

and completeness. KSF was also able to cause the Company to modify the Charter of the Compensation Committee to provide that the committee will create annual and long-term performance goals for the CEO, whose compensation will be based on whether those performance goals are achieved. Modifications were also caused to be made to the Company's Audit Committee and to the Company's Corporate Governance Guidelines.

***In re Moody's Corporation Shareholder Derivative Litigation***, No. 1:08-CV-9323 (S.D.N.Y.). As Lead Counsel for the demand-excused shareholder derivative actions filed on behalf of Moody's Corporation against current and former executive officers and directors of the company, asserting various claims, including for breach of fiduciary duty, in connection with, inter alia, Moody's credit ratings on various mortgage-backed securities, KSF helped obtain a settlement in which the settling defendants agreed that Moody's had implemented or will adopt, enhance and/or maintain certain governance, internal control, risk management and compliance provisions, designed to identify, monitor and address legal, regulatory and internal compliance issues throughout the business and operations of Moody's Investors Service, Inc., the credit rating agency operating subsidiary of the company.

***In re Morgan Stanley & Co., Inc. Auction Rate Securities Derivative Litigation***, No. 1:08-CV-07587-AKH (S.D.N.Y.). As Lead Counsel for shareholders in this federal derivative action against a prominent broker-dealer to redress harms to the company from its sales and marketing of auction rate securities, KSF obtained substantial corporate governance reforms that promised to avoid a recurrence of similar harms in the future.

*"You had a choice. You could withdraw from the case or you could push it to such an extent that at some point a settlement would be forthcoming. You chose the latter..."*

Hon. Alvin K. Hellerstein,  
United States District Judge

***In re Star Scientific, Inc. Virginia Circuit Court Derivative Litigation***, Lead Case No. CL13-2997-6 (Va. Cir. Ct., City of Richmond). KSF acted as court appointed Lead Counsel in the consolidated state court shareholder derivative action filed on behalf of Star Scientific, Inc. against certain current and former directors and officers. This action focused on defendants' false statements and misrepresentations concerning the Company's product Anatabloc. Specifically, the action stated that defendants had caused or allowed the Company concealed: (i) private placements and related-party transactions; (ii) government investigations of the Company; and (iii) a December 2013 warning letter from the U.S. Food and Drug Administration. In resolving this matter, KSF obtained sweeping corporate governance

changes, including but not limited to, the creation of a new board-level committee to review and oversee the Company's legal, regulatory, compliance, and government affairs functions. KSF also caused the Company to modify the charter of the Audit Committee to strengthen disclosure oversight and risk management. Modifications were also caused to be made to the Company's Compensation Committee. The Company was caused to adopt a set of Corporate Governance Guidelines. A new Governance and Nominating Committee was created and the position of Compliance Officer tasked with oversight and administration of the Company's corporate governance policies was added. Changes were also made to the Company's Corporate Code of Business Conduct and Ethics.

***Weil v. Baker (ArthroCare Corporation Derivative Litigation)***, No. 08-CA-00787-SS (W.D. Tex.). As Co-Lead Counsel in the consolidated federal derivative action on behalf of ArthroCare Corporation against certain of its officers and directors arising from alleged improprieties in the company's marketing of spine wands, KSF helped obtain a cash settlement of **\$8 million**, along with important corporate governance changes.

***In re ProQuest Co. Shareholder Derivative Litigation***, No. 2:06-cv-11845-AC-MKM (E.D. Mich.). As Co-Lead Counsel in a federal derivative action filed on behalf of ProQuest (now Voyager Learning Company) against certain of its officers and directors, KSF helped obtain a settlement including important corporate governance changes.

## Consumer Protection Litigation

### SETTLED CASES

***In re: General Motors Corp. Speedometer Products Liability Litigation***, MDL No. 1896, *Co-Lead Counsel*. Appointed co-lead counsel for national class of 4.2 million purchasers of certain GM trucks with defective speedometers. The case was resolved successfully by GM agreeing to fix defective speedometers for free and to reimburse class members for all past repair costs.

***Rose Goudeau, et. al. v. The Administrators of the Tulane Educational Fund, et. al.***, No. 2004-04758, Sec. 13, Div. J (Civil District Court for the Parish of Orleans), *Class Co-Counsel*. Nationwide class action certified on behalf of near relatives of individuals who donated their bodies to the Tulane Willed Body Program. The complaint alleged that the Tulane Willed Body Program sold the donated bodies and/or body parts to third parties. A settlement of **\$8,300,000** was obtained for the class members.

**Sterling Savings Bank v. Poleline Self-Storage LLC**, No. CV-09-10872 (Idaho Dist. Ct.), *Class Counsel*. In this putative class action, a borrower alleged that the Bank improperly used the 365/360 method of interest calculation on several commercial loans. A settlement of **\$3.5 million** was recovered for bank customers.

## Shareholder M&A Class Action Litigation

### CURRENT CASES

**Helen Moore v. Macquarie Infrastructure and Real Assets, et al. (Cleco Corporation Merger)**, Case No. 251,417, c/q 251,456 and 251,515, Div. "C"  
*Ninth Judicial District Court for the Parish of Rapides*  
*Louisiana Interim Co- Lead Counsel*

**In re MCG Capital Corp. Stockholders Litigation, Consol**, Case No. 10992-VCN  
*Delaware Court of Chancery*  
*Co-Lead Counsel*

**Miller v. Hawaiian Electric Industries, Inc. (Hawaii Electric Industries, Inc. Merger)**, Civil No. 14-1-2531-12 KTN  
*First Circuit Court, State of Hawaii*  
*Co-Lead Counsel*

**An Nguyen vs. Michael G. Barrett**, C.A. No. 11511-VCG  
*Delaware Court of Chancery*

**In re Omnivision Technologies, Inc. Shareholder Litigation**, Lead Case No. 1-15-cv-280161  
*Superior Court of California, County of Santa Clara*  
*Co-Lead Counsel*

**In re Paramount Gold and Silver Corp. Stockholders Litigation**, Consol. Case No. 10499-VCN  
*Delaware Court of Chancery*  
*Member of Executive Committee*

**Pielago v. Chris W. Caras Jr., et al.**, Case No. BC570144, c/w Case No. BC576929  
*Superior Court of the State of California Los Angeles County*  
*Co-Lead Counsel*

**In re Saba Software, Inc. Stockholder Litigation**, Consol. Case No. 10697-VCN  
*Delaware Court of Chancery*  
*Member of Executive Committee*

**In re Sigma-Aldrich Corporation Shareholder Litigation**, Case No. 1422-CC09684  
*Circuit Court for the 22th Judicial Circuit, Missouri*  
*Co-Lead Counsel*

**Wojno v. FirstMerit Corp., et al.**, Case No. 5:16-cv-00461  
Northern District of Ohio

## SETTLED CASES

**In re Adams Golf Shareholder Litigation**, C.A. No. 7354-VCL (Delaware Court of Chancery 2012). *Chair of Plaintiffs' Executive Committee*. Class action for breach of fiduciary duties to shareholders relating to a proposed merger of sporting goods companies. Settlement consisted of additional material disclosures to proxy statements.

**In re BTU International, Inc. Stockholders Litigation**, Consol. C.A. No. 10310-CB (Delaware Court of Chancery 2014). *Co-Lead Counsel*. Class action for breach of fiduciary duties to shareholders relating to a proposed merger of electronics and solar goods companies. Settlement consisted of additional material disclosures to proxy statements. First known settlement to pass the exacting Trulia standards articulated by the Court of Chancery.

**In re EnergySolutions, Inc. Shareholder Litigation**, C.A. 8203-VCG (Delaware Court of Chancery 2014). *Plaintiff's Co-Lead Counsel*. Class action for breach of fiduciary duties to shareholders relating to a proposed merger of nuclear energy related companies worth \$1.1 billion (\$375 million in proposed shareholder consideration). Settlement consisted of \$0.40 price bump which increased the consideration to shareholders by more than 10% or approximately \$38 million. Settlement also included over 20 pages of additional disclosures to proxy statement relating to process and pricing claims.

**Hill v. Cohen, et al. (Summit Financial Services Group, Inc.)**, 2013 CA 017640 (15th Judicial Circuit Court, Florida). *Co-lead counsel*. Class action for breach of fiduciary duties to shareholders relating to a proposed merger of a financial services company. Contingent and delayed aspects of the proposed merger consideration, worth several million dollars, were accelerated and paid to shareholders ahead of schedule and settlement involved several pages of additional disclosures were made to the proxy statement.

**In re InSite Vision Inc. Consolidated Shareholder Litigation**, Lead Case No. RG-15774540 (c/w Case No. RG-15777471). *Counsel for Plaintiffs*. Class action for breach of fiduciary duties to shareholders relating to a proposed merger of medical companies. Litigation was followed by a public bidding war that resulted in a \$30 million increase in merger compensation.

**In re Medtox Scientific, Inc. Shareholders Litigation**, Court File No. 62-CV-12-5118 (Minnesota District Court 2013). *Plaintiffs' Lead Counsel*. Class action for breach of fiduciary

duties to shareholders relating to a proposed merger of medical technology companies. Settlement consisted of additional material disclosures to proxy statement.

***Heron v. International Rectifier Corporation, et al.***, Case No. BC556078 (Superior Court of the State of California, County of Los Angeles). *Co-Lead Counsel*. Class action for breach of fiduciary duties to shareholders relating to a proposed merger of electronics companies. Settlement consisted of additional material disclosures to proxy statements.

***Sachs Investment Group v Sun Healthcare Group, Inc., et al.*** 30-2012-580354-CU-SL-CXC (Superior Court of the State of California 2013). *Plaintiffs' Counsel*. Class action for breach of fiduciary duties to shareholders relating to a proposed merger of healthcare companies. Settlement consisted of additional material disclosures to proxy statement.

***In re Susser Holdings Corp. Stockholders Litigation***, C.A. 9613-VCG Delaware Court of Chancery 2014). *Co-Lead Counsel*. Class action for breach of fiduciary duties to shareholders relating to a proposed merger of convenience store and gas station companies. Settlement consisted of additional material disclosures to proxy statements regarding hidden value of individual distribution rights in limited partnership.

## Attorneys

### PARTNERS

#### Lewis S. Kahn

Lewis Kahn is a founding partner of KSF and serves as the firm's managing partner. A substantial portion of Mr. Kahn's practice is devoted to representing shareholders in connection with damages suffered as a result of securities fraud and breaches of fiduciary duties.

Mr. Kahn has represented lead and representative plaintiffs in numerous national cases, including *In re Bank of America Corp. Securities, Derivative, and Employment Retirement Income Security Act (ERISA) Litigation*, 09 Civ.580 (DC) (S.D.N.Y.) (\$62.5 million cash payment to Bank of America o/b/o Board); *In re Barnes & Noble Stockholder Derivative Litigation*, C.A. No. 4813-VCS (Del. Ch. Ct.) (recovery of \$29 million for Barnes & Noble, Inc. in the form of reductions to the principal and interest payable to CEO); and *In re EnergySolutions, Inc. Shareholder Litigation*, C.A. 8203-VCG (Del. Ch. 2014) (\$0.40 price bump which increased the consideration to shareholders by more than 10% or approximately \$38 million).



Additionally, Mr. Kahn oversees the firm's securities class action practice, which has been responsible for settlements including *In re Virgin Mobile USA IPO Litigation*, 2:07-cv-05619-SDW-MCA (**\$19.5 million settlement**), *In re Tesco PLC Securities Litigation*, 14 Civ. 8495 (**\$12 million settlement**), *In re BigBand Networks, Inc Securities Litigation*, 3:07-CV-05101-SBA (**\$11 million settlement**), and *In re U.S. Auto Parts Networks, Inc. Securities Litigation*, 2:07-cv-02030-GW-JC (**\$10 million settlement**). Moreover, Mr. Kahn is Co-Class Counsel with David Boies in the long-running securities class action against Halliburton, where the firm twice beat back [Halliburton's attempt in the United States Supreme Court to eviscerate shareholder rights](#), and obtained a **\$100 million** settlement for the Class. Mr. Kahn oversees one of the most successful U.S. appellate practices in the securities field.

In addition to securities lawsuits, Mr. Kahn has significant experience with consumer fraud and mass tort class actions. Mr. Kahn has been appointed to various leadership positions in federal class action litigation. Mr. Kahn also manages the firm's portfolio monitoring program for public and private institutional investors.

Mr. Kahn holds a Bachelor's degree from New York University and received a Juris Doctor from Tulane Law School in 1994. He has been a member of the Louisiana State Bar Association since 1995, and is admitted to practice law before the United States Supreme Court, United States Court of Appeals for the 2nd Circuit, and the United States District Courts for the Eastern, Middle and Western Districts of Louisiana.

#### **Michael A. Swick**

Michael A. Swick is a co-founding partner of KSF and heads the firm's case starting department, overseeing case evaluation and initiation in the firm's securities, shareholder derivative and mergers & acquisitions practice groups. Prior to founding KSF, Mr. Swick had a distinguished career working at several of the nation's premiere class action litigation firms.

Relying on analytical skills honed at Tulane Law School and Columbia University's Graduate program of Arts & Sciences, throughout his career, Mr. Swick has played an important role in investigating large securities frauds and in developing and initiating litigations against the nation's largest corporations. Over his career, Mr. Swick has also participated in the litigation of cases that have resulted in hundreds of millions of dollars in recoveries for aggrieved shareholders and institutional investors.

Mr. Swick also works closely with the firm's institutional investor clients and participates in the management and development of KSF's portfolio monitoring systems.



In addition to his unique educational background, following law school, Mr. Swick also worked on the New York Mercantile Exchange, where he was involved first-hand, in the open-outcry trading of crude oil and natural gas futures and options contracts.

Mr. Swick received a Juris Doctor from Tulane Law School in 1994, and a Masters of Political Philosophy from Columbia University Graduate School of Arts & Sciences in 1989 as well as a joint B.A. in Philosophy and Political Science from State University of New York at Albany in 1988. Mr. Swick was admitted to the State Bar of New York in 1997 and is admitted to practice before the United States District Court for the Southern District of New York, and the United States Supreme Court.

#### **Charles C. Foti, Jr.**

Charles C. Foti, Jr. served as the Attorney General for the state of Louisiana from 2004-2008, after serving for 30 years as one of the most innovative law enforcement officials in the United States as Orleans Parish Criminal Sheriff. Throughout his career, General Foti has remained committed to public service.

As Attorney General for the state of Louisiana, General Foti's achievements include:

- Recovering over \$24 million for Louisiana consumers in consumer fraud matters, \$8 million in anti-trust litigation, \$9.1 million for state employees through Office of Group Benefits, over \$2 million for auto complaints, over \$33 million in Medicaid Fraud.
- Investigating and apprehending numerous contractor fraud criminals in the wake of one of the worst natural disasters in United States history, Hurricane Katrina.
- Doubling the number of arrests for crime against children through the Louisiana Internet Crimes Against Children Task Force.

Prior to serving as Louisiana Attorney General, over the course of a distinguished career spanning decades, General Foti took countless cases to trial. General Foti served as the head of the criminal division of the city of New Orleans Attorney's Office. He served as the police attorney for the city of New Orleans and prosecuted federal cases including prisoner overcrowding cases. He also served as an assistant District Attorney for Orleans Parish. Even early in his career, he tried cases as in house counsel for the nationally-known insurance carrier, Allstate.

In his tenure as Orleans Parish Criminal Sheriff, General Foti oversaw the enormous expansion of the parish jail, growing from 800 prisoners in 1973 to more than 7,000 currently. As the prison expanded, so did the need for education and rehabilitation skills for prisoners. As Sheriff, General Foti started the first reading and GED programs, work release programs, drug treatment programs and the nation's first boot camp at the local level, all to prepare prisoners for a future without crime. Administratively, General Foti managed a multi-million dollar budget and a complex organization of more than 1,400 employees.

General Foti has for many years been an advocate for the elderly. As Sheriff, he and a small army of volunteers provided Thanksgiving meals for senior citizens in the New Orleans area. He started a back-to-work program for senior citizens that helps people over the age of 55 get back into the workforce.

General Foti received his Juris Doctor degree from Loyola University Law School in 1965, after serving his country in the United States Army from 1955 through 1958.

#### **Kim E. Miller**

Kim E. Miller is a KSF partner who specializes in securities litigation and other complex class action litigation. Ms. Miller also supervises the New York City office of KSF. Prior to joining the firm in 2006, Ms. Miller was a partner at one of the nation's leading plaintiff class action firms. Ms. Miller also spent two years as a securities litigator on the defense side.

Over the course of her career, Ms. Miller has represented many thousands of harmed investors in class actions filed throughout the country. In a recent Order and final judgment in which KSF served as Lead Counsel, *Elgaouni v. Meta Financial Group, Inc.*, 10-4108-MWB (N.D. Iowa) (June 29, 2012) (Bennett, J.), the Federal District Court noted:

"Indeed, I find that this action has been a model of how complex class actions should be conducted. Counsel for the Lead Plaintiff, Kim Miller, and her firm, Kahn Swick & Foti, L.L.C., and [Defense Counsel] showed the utmost professionalism and civility, required very limited court intervention while diligently pursuing their objectives, and sought and obtained a fair and reasonable settlement before incurring substantial costs for discovery and trial preparation, all to the benefit of the Lead Plaintiff, Class Members, and the Defendants....I applaud their skill, expertise, zealotness, judgment, civility, and professionalism in putting the best interests of their respective clients first and not only foremost, but exclusively ahead of their law firms' financial interests. Ms. Miller and [Defense Counsel] and their respective law firms

earned my unyielding admiration and respect in this case for the efficient and exceptionally reasonable way in which they found a prompt, fair, and equitable solution to the complex problems their clients faced in this litigation, and they accomplished all of this with virtually no judicial intervention. In sum, my only deeply held regret in this case is that bioscience has not sufficiently advanced to allow the cloning of Ms. Miller and [Defense Counsel] for lead counsel roles in all complex civil class action litigation in the Northern District of Iowa."

At another recent settlement hearing in which KSF served as Lead Counsel, *In re ShoreTel, Inc. Sec. Litig.*, 3:08-cv-00271-CRB (N.D. Cal.), the Federal District Court (Breyer, J.) noted, with respect to Ms. Miller, "You're one of the best lawyers to appear in front of me in a long time...."

*"One of the best lawyers to appear in front of me in a long time..."*

*Hon. Charles R. Breyer,  
United States District Judge  
In Re:ShoreTel, Inc. Sec. Litig.*

In addition to litigating many securities fraud and IPO-related securities cases, Ms. Miller has worked extensively on cases involving allegations of improper directed brokerage arrangements and excessive charges in mutual fund cases brought pursuant to the 1934 Securities Exchange Act and/or the Investment Company Act of 1940. She was also involved in the mutual funds late trading/market timing litigation. Ms. Miller's class action trial experience includes participating as a trial team member in a four-month jury trial involving fraud-based claims the resulted in a jury verdict in favor of Plaintiffs and the Class.

In the course of her career, Ms. Miller has been involved in a variety of cases in which large settlements were reached, including:

- **Settlement value of \$127.5 million.** *Spahn v. Edward D. Jones & Co., L.P.*, 04-cv-00086-HEA (E.D. Mo.)
- **\$110 Million Recovery.** *In re StarLink Corn Prods. Liab. Litig.*, MDL No. 1403 (N.D. Ill.)
- **\$100 Million Recovery.** *In re American Express Financial Advisors, Inc. Sec. Litig.*, 1:04-cv-01773-DAB (S.D.N.Y.)

Ms. Miller is KSF's lead litigator in its securities class action practice. While at KSF, Ms. Miller has supervised all aspects of the following successful litigations, among many others: *In re Virgin Mobile USA IPO Litig.*, 2:07-cv-05619-SDW-MCA (D.N.J.) (**\$19.5 million settlement**); *In re BigBand Networks, Inc. Sec. Litig.*, 3:07-CV-05101-SBA (N.D. Cal.) (**\$11 million settlement**); and *In re U.S. Auto Parts Networks, Inc. Sec. Litig.*, 2:07-cv-02030-GW-JC (C.D. Cal.) (**\$10 million settlement**).

Ms. Miller is currently the lead litigator for the firm in its role as Co-Class Counsel for Plaintiffs in *Erica P. John Fund, Inc. v. Halliburton Company, et al.*, 3:02-CV-1152-M (N.D. Tex.), where the Court recently approved a **\$100 million** settlement for investors.

After graduating with honors from Stanford University in 1992 with a double major in English and Psychology, Ms. Miller earned her Juris Doctor degree from Cornell Law School, *cum laude*, in 1995. While at Cornell, Ms. Miller was the Co-Chair of the Women's Law Symposium, Bench Brief Editor of the Moot Court Board, and a member of the Board of Editors of the Cornell Journal of Law & Public Policy. She was also a judicial intern for The Honorable David V. Kenyon in the Central District of California. Her *pro bono* work includes representing families of 9/11 victims at *In re September 11 Victim Compensation Fund* hearings. Ms. Miller has also served as a fundraiser for the New York Legal Aid Society. She is admitted to practice in the States of California and New York and before the United States District Courts for the Southern and Eastern Districts of New York and the Northern, Southern, and Central Districts of California. She is also admitted to the United States Courts of Appeal for the Second, Fifth, Ninth and Eleventh Circuits.

#### **Ramzi Abadou**

Mr. Abadou is a KSF partner who oversees KSF's San Francisco office. He specializes in securities litigation and has been responsible for securing securities recoveries exceeding \$1 billion for defrauded investors. Before joining KSF, Mr. Abadou was the managing partner of an east coast-based plaintiff class action firm's San Francisco office and a partner at a prominent plaintiff class action firm in San Diego.

He is responsible for numerous precedent-setting decisions at all stages of securities litigation, including *In re HP Secs. Litig.*, 2013 U.S. Dist. LEXIS 168292 (N.D. Cal. 2013); *In re MGM Mirage Sec. Litig.*, 2013 U.S. Dist. LEXIS 139356 (D. Nev. 2013); *Dobina v. Weatherford Int'l*, 909 F. Supp. 2d 228 (S.D.N.Y. 2012); *Minneapolis Firefighters' Relief Ass'n v. Medtronic, Inc.*, 278 F.R.D. 454 (D. Minn. 2011); *In re SemGroup Energy Partners, L.P.*, 729 F. Supp. 2d 1276

(N.D. Okla. 2010); *Borochoff v. Glaxosmithkline PLC*, 246 F.R.D. 201 (S.D.N.Y. 2007); and *In re Cardinal Health, Inc. Sec. Litig.*, 226 F.R.D. 298 (S.D. Ohio 2005).

In 2010, Mr. Abadou was named one of the Daily Journal's Top 20 Lawyers in California under 40 and, since 2012, has been selected for inclusion in either Super Lawyers or Benchmark Litigation as a leading securities litigation practitioner. He has lectured on securities litigation at Stanford University Law School, the University of San Diego School of Law and Boston College Law School and is a faculty member for the Practicing Law Institute's Advanced Securities Litigation Workshops.

*"[Noting] the quality of work and results achieved for the settlement class."*

*Hon. Chief Judge George H. King,  
United States District Judge*

*In re CytRx Corp. Sec. Litig.*

Over the years, federal courts have also commended Mr. Abadou for his handling of securities matters. In *Minneapolis Firefighters' Relief Association v. Medtronic, Inc. et al.* Case No. 0:08-cv-06324-PAM-AJB (D. Minn.) (November 8, 2012), the Hon. Chief Magistrate Judge Arthur Boylan stated:

"I've been a judge, as you know, either in state or federal court, for over 26 years, and you get a feel for [] the quality of representation before you. But more than that, the quality of the people, personally and professionally. And [] the gentlemen who are here in the courtroom, [] Ramzi [Abadou], exhibited such professionalism and such hard work and such good faith in pursuing this."

Similarly, in *Tripp, et al. v. IndyMac Bancorp, Inc., et al.*, Case No. 2L07-CV-1635-GW (VBK) (January 28, 2013), the Hon. George H. Wu stated in reference to Mr. Abadou that:

"Counsel actively, thoroughly and impressively litigated a complex subject matter (both factually and legally), all the while confronting formidable defense counsel. Obviously, the plaintiff class did not face a simple path if it continued with this litigation into further discovery, summary judgment motions and, eventually, trials and, potentially appeals. Counsel has obtained a not insubstantial settlement figure as the result of their hard, and capable, work."

Mr. Abadou attended Pitzer College where he earned a B.A. in Pan-African Studies in 1994 and later obtained an M.A. in political science from Columbia University in 1997. He received his J.D. from Boston College Law School in 2002.

Mr. Abadou is a member of the San Francisco Bar Association, the Federal Bar Association for the Northern District of California and is a pro bono panelist with Federal Bar Association Justice & Diversity Project. He is admitted to the California Bar and is licensed to practice in all California state courts, as well as all of the United States District Courts in California and the United States Court of Appeals for the Ninth Circuit. Additionally, Mr. Abadou is a Lecturer at U.C. Berkeley Law School.

#### **Melinda A. Nicholson**

Melinda A. Nicholson, a partner in KSF's Louisiana office, focuses on shareholder derivative and class action litigation, representing institutional and individual shareholders in corporate governance litigation and securities fraud actions. Prior to joining the firm in 2010, Ms. Nicholson worked for defense firms in New York, handling complex commercial litigations and regulatory investigations involving a variety of legal issues, including fiduciary obligations, securities violations, contractual breaches, antitrust and insurance coverage.

Ms. Nicholson is actively involved in cases pending before various federal and state courts across the United States, including:

- *In re Fitbit, Inc. Stockholder Derivative Litigation*, Consolidated C.A. No. 2017-0402-JRS (Del. Ch.); Co-Lead Counsel;
- *Dougherty v. Esperion Therapeutics, Inc., et al.*, No. 16-10089 (E.D. Mich.); Co-Lead Counsel;
- *Lieblein v. Ersek (The Western Union Company Derivative Litigation)*, No. 14-cv-144 (D. Colo.); Additional Counsel for Co-Lead Plaintiffs; and
- *In re The Wendy's Company Shareholder Derivative Action*, Case No. 1:16-cv-01153-TSB (S.D. Ohio), Plaintiff's Counsel;

Since joining KSF, Ms. Nicholson has also been involved in a number of cases which ultimately resulted in successful settlements, including:

- *Orrego v. Lefkofsky (Groupon, Inc. Derivative Litigation)*, No. 12 CH 12420 (Ill. Cir. Ct, Cook Cnty., Ch. Div.) (settlement consisting of broad corporate governance reforms);
- *In re Bank of America Corporation Securities, Derivative, & Employee Retirement Income Security Act (ERISA) Litigation*, No. 09-MD-2058 (S.D.N.Y.) (Court-approved

settlement including **\$62.5 million cash recovery** and substantial corporate governance changes);

- *In re Barnes & Noble Stockholder Derivative Litigation*, C.A. No. 4813-VCS (Del. Ch.) (settlement resulted in **\$29 million recovery** for the company);
- *In re FAB Universal Corporation Shareholder Derivative Litigation*, Lead Case No. 14-cv-687 (S.D.N.Y.) (settlement involving broad corporate governance reforms);
- *In re Fifth Street Finance Corp. Stockholder Litigation*, Consolidated C.A. No. 12157-VCG (Del. Ch.) (settlement resulted in governance enhancements and advisory fee reductions worth an estimated **\$30 million**);
- *Lowry v. Basile (Violin Memory, Inc. Derivative Litigation)*, No. 4:13-cv-05768 (N.D. Cal.) (broad corporate governance reform settlement);
- *In re Moody's Corporation Shareholder Derivative Litigation*, 1:08-CV-9323 (S.D.N.Y.) (settlement involving comprehensive corporate governance reforms); and
- *In re Star Scientific, Inc. Virginia Circuit Court Derivative Litigation*, Lead Case No. CL13-2997-6 (Va. Cir. Ct., City of Richmond) (settlement involving sweeping corporate governance reforms).

Ms. Nicholson completed a joint B.A./J.D. program at Tulane University, receiving a B.A. in Political Science, with a concentration in American Politics and Policies and a minor in Economics, from Tulane in 2003 and a J.D. from Tulane in 2005. While at Tulane Law School, Ms. Nicholson served as a Notes and Comments Managing Editor for the *Tulane Law Review*, which published her comment, *The Constitutional Right to Self-Representation: Proceeding Pro Se and the Requisite Scope of Inquiry When Waiving Right to Counsel*, 79 TUL. L. REV. 755 (2005). She has received numerous awards, including the Dean's Medal for attaining the highest grade point average during the third year, the George Dewey Nelson Memorial Award for attaining the highest grade point average in common law subjects throughout the three years of law study, and Order of the Coif. She graduated from the law school summa cum laude and ranked second in her class.

Ms. Nicholson is admitted to practice in Louisiana and New York, and before the United States District Courts for the Eastern District of Louisiana, Western District of Louisiana, Southern District of New York, Eastern District of New York, District of Colorado, and Eastern District of Michigan.

**Michael J. Palestina**

Mr. Palestina practices securities and other complex class action litigation. He focuses his practice on securities litigation involving mergers and acquisitions. In his capacity as a KSF partner, Mr. Palestina currently serves as lead, co-lead, or executive committee counsel in several ongoing M&A cases and has previously served in the same capacity in several successfully resolved M&A cases.

For example, Mr. Palestina took part in the successful resolution of *In re EnergySolutions, Inc. Shareholder Litigation*, Consol. C.A. 8203-YCG (Del. Ch. 2013), a securities class action involving claims for breach of fiduciary duties to shareholders relating to a proposed merger of nuclear energy related companies worth \$1.1 billion (\$375 million in proposed shareholder consideration), where there was a \$0.40 price increase, which increased the consideration to shareholders by more than 10%, or approximately \$38 million, and over 20 pages of additional disclosures to the proxy statement relating to process and pricing claims. Mr. Palestina similarly had an active role in the successful resolution of *Hill v. Cohen, et al. (Summit Financial Services Group, Inc.)*, 2013 CA 017640 (15th Jud. Cir. Ct., Fla.), another securities class action, where certain contingent and delayed aspects of the proposed merger consideration, worth several million dollars, were accelerated and paid to shareholders ahead of schedule and several pages of additional disclosures were made to the proxy statement.

Prior to joining KSF, Mr. Palestina clerked for the honorable Catherine D. Kimball, former Chief Justice of the Louisiana Supreme Court, and practiced law at a well-respected New Orleans litigation firm. While there, Mr. Palestina gained valuable trial experience, focused on complex commercial litigation, and represented a number of judges and his fellow lawyers regarding ethical issues before the State's judicial and attorney disciplinary systems.

Mr. Palestina graduated from Tulane University in 2005 with a Bachelor of Arts in Political Science. He earned his J.D. in 2008 from Loyola University of New Orleans College of Law, where he graduated magna cum laude, was a William L. Crowe, Sr. Scholar, and was inducted into the Order of Barristers. While in law school, Mr. Palestina was a member of the Loyola Law Review and Loyola Moot Court, was the first place oralist in the Loyola Intramural Moot Court Competition, and represented Loyola at the Stetson International Environmental Moot Court Competition (where he was the fourth place oralist overall) and on the National Team at the New York Bar Association's National Moot Court Competition (where his team advanced to the finals). Mr. Palestina also served as a research assistant to the Leon Sarpy Professor of Law Professor Kathryn Venturatos Lorio, whom he assisted in a revision of her Westlaw treatise on Louisiana Succession and Donations, and as a Judicial Intern to Magistrate Joseph C.



Wilkinson, Jr. of the United States Federal District Court for the Eastern District of Louisiana. Mr. Palestina's Law Review article, Of Registry: Louisiana's Revised Public Records Doctrine, was published in the Loyola Law Review.

Mr. Palestina is licensed to practice in Louisiana state and federal courts.

## OF COUNSEL

### **Andrew J. Gibson**

Mr. Gibson is of counsel to KSF. Andrew focuses his practice on merger and acquisition litigation, shareholder derivative actions, and other complex class action litigation. Mr. Gibson is also responsible for the formation and management of the firm's Business Loss Claim division, wherein he represents hundreds of businesses and non-profit organizations in claims under the Deepwater Horizon Economic and Property Damage Settlement. He also has broad experience representing clients in commercial and casualty litigation in Louisiana state and federal courts and has obtained a consistently successful record for his clients.

Mr. Gibson received his J.D. from Loyola University New Orleans College of Law in 2004. While in school, he served as a Teaching Assistant and Staff member for the Moot Court program, was twice elected to the Executive Board of the Student Bar Association, and clerked at a nationally recognized law firm. During the summer of 2003, he studied Latin American civil law systems and international arbitration at the University of Costa Rica School of Law in San Jose, Costa Rica. He earned a Bachelor of Science degree in Business with a concentration in Pre-Law from the E.J. Ourso College of Business at Louisiana State University in 1997 and went on to work as a manager in the marketing department of a regional telecommunications company.

Mr. Gibson is a proud veteran of the United States Marine Corps where he served in the infantry as a Non-Commissioned Officer.

Mr. Gibson is very active in the local business community and has served on the Board of Directors and as Chairman of the Governmental Affairs Committee for the Saint Tammany West Chamber of Commerce, as a member of the St. Tammany Parish Home Rule Charter Committee (2014-15) and as a member of the St. Tammany Parish Inspector General Task Force (2013-2014).

#### **Dahlia M. Ronen**

Dahlia M. Ronen is Of Counsel and works with KSF's institutional clients. Ms. Ronen previously worked as an Associate Corporate Attorney at McDermott Will & Emery and Vedder Price. In this capacity, Ms. Ronen's experience consisted of drafting and negotiating merger and acquisition documentation with a focus on corporate governance and the fiduciary obligations of corporations to their shareholders.

She also served as Director of Continuing Legal Education for The Chicago Bar Association. Ms. Ronen spent the next decade raising two daughters and performing pro bono legal. Ms. Ronen is the Founder of Hope's Closet®, a brand of scoliosis brace undershirts, inspired by her daughter, Hope.

Ms. Ronen is fluent in English, Hebrew, and French. She has working knowledge of Turkish, Arabic and Spanish. Her contacts in law, industry and government are worldwide.

Ms. Ronen received her Juris Doctor in 1993 from Northwestern University Pritzker School of Law. Ms. Ronen has a B.A. from Brandeis University (1988). She was a General Course student at the London School of Economics and Political Science from 1986-87 and studied International Law at the Graduate Institute of International and Development Studies in Geneva, Switzerland from 1988-90.

Ms. Ronen is licensed to practice in the State of Illinois.

#### **Neil Rothstein**

Mr. Rothstein is a graduate of Case Western Reserve University (B.A. 1986) and the Beasley School of Law at Temple University (J.D. 1989). During law school, Mr. Rothstein earned summer associateships at two major nationally known law firms and later became an attorney at one of them. After law school, Mr. Rothstein accepted a position at a boutique law firm where he gained his actual trial experience on a diverse range of cases including commercial litigation, civil rights, trusts & estates, contract law and all phases of litigation, including appellate work. Currently, Mr. Rothstein is of counsel to Kahn Swick & Foti, LLC. Mr. Rothstein has spent over 25 years in all aspects of class action litigation including securities, shareholder derivative litigation, ERISA and consumer actions.

Mr. Rothstein, in 1997, went on to assist a small firm as a Partner in evaluating, coordinating, developing and commencing major class cases and other complex cases. At that firm, Mr. Rothstein built a practice of many noteworthy class cases where this firm served as Lead and Co-Lead Counsel. One such case was the Enron Litigation, (394 F. 3d 296), where the firm

represented a group of bondholders. In that case he argued motions and participated in depositions. The firm was also appointed Lead Counsel in the Royal Dutch Petroleum ERISA Litigation (Civil Action No. 04-1398) where Mr. Rothstein actually went to the Texas oil fields to meet with aggrieved workers. That case settled for \$98 million. Mr. Rothstein's efforts have helped aggrieved parties recover substantial settlements in major cases.

In 2006, Mr. Rothstein joined the law firm of Kahn, Swick & Foti, LLC., where he has continued his practice in all phases of securities, consumer and other trial litigation. He has been an outspoken and avid believer that the clients' needs come first. In that light, Mr. Rothstein focuses on helping to lead Kahn Swick & Foti, LLC in client development and communications, client education and client participation in their litigation. Since joining the firm, Mr. Rothstein has been litigating Erica P. John Fund, Inc. v. Halliburton Company, et al., 3:02-CV-1152-M (N.D. Tex.). This case is significant as it has appeared before the United States Supreme Court twice and is considered one of the most important securities cases in the history of such litigation. The Court has approved a settlement of \$100 million. Mr. Rothstein has acted as Special Counsel to the Lead Plaintiff. Demonstrating his dedication to his client and the class, Mr. Rothstein remarkably remains the only attorney that has been representing the plaintiffs on this case since its inception in 2002.

Mr. Rothstein is licensed to practice in the State of Pennsylvania and the United States Supreme Court.

## ASSOCIATES

### Alexander L. Burns

Alexander L. Burns is an associate in KSF's Louisiana office. Mr. Burns graduated with honors from the University of Southern Mississippi in 2000 with a B.S.B.A. in accounting. In 2001, he earned his Master's In Professional Accountancy. He has been a licensed CPA since 2003. From 2001 to 2004 Mr. Burns was employed by Ernst & Young, L.L.P., auditing the financial statements of both privately held and publicly traded entities spanning a variety of industries including casino gaming, health care, insurance, and energy. Following the Enron scandal of the early 2000s, and anticipating the need for attorneys with a strong understanding of accounting issues, Mr. Burns left E&Y to attend law school in 2004.

Mr. Burns received his J.D. and B.C.L. from Louisiana State University's Paul M. Hebert Law Center in 2007. While at LSU, he was awarded the CALI Award for Academic Excellence in Contracts, served as Treasurer of the Trial Advocacy Board, and has competed on various

interschool mock trial teams. Mr. Burns has since practiced civil litigation, representing his clients' interests in contentious matters in both state and federal courts. All the while, Burns has remained active as an attorney coach and mentor to law students in LSU's Trial Advocacy Program.

Mr. Burns is a licensed Certified Public Accountant, and is admitted to practice in Louisiana, the related Federal District Courts, and the United States Fifth Circuit Court of Appeals.

#### **Craig J. Geraci**

Craig J. Geraci, Jr. is an associate in KSF's Louisiana office and focuses on federal securities litigation and other complex class action litigation. He is actively involved in cases pending before federal courts across the United States.

Mr. Geraci has litigated numerous securities matters and helped recover more than \$100 million for shareholders allegedly defrauded by publicly traded companies and their officers. For example, Mr. Geraci was a member of the litigation team in *Halliburton Co. v. Erica P. John Fund, Inc.*, 134 S.Ct. 2389 (2014), a landmark securities-fraud class action, where the U.S. Supreme Court ruled for KSF's client on the most important issue in the case, and in *Erica P. John Fund, Inc. v. Halliburton*, 131 S.Ct. 2179 (2011), where the Court ruled unanimously for KSF's client. The *Halliburton* case ultimately resulted in a settlement of \$100 million.

Mr. Geraci received his J.D. from Tulane University Law School in 2009 and received a B.S. with a major in finance from the University of New Orleans in 2005.

Prior to joining KSF, Mr. Geraci focused his practice on complex commercial and corporate litigation, primarily for clients in the energy industry. In that role, he litigated numerous matters in state and federal courts across the country, including a case where he was second chair and helped obtain a unanimous verdict in a three-week jury trial, awarding more than \$4 million in contract damages and \$2.7 million in fraud and punitive damages. He has also presented oral argument before the U.S. Court of Appeals for the Federal Circuit.

Mr. Geraci is admitted to practice in Louisiana, Mississippi, Alabama, and Texas, and he is a member of those states' bar associations. Further, Mr. Geraci is admitted to practice before the United States Court of Appeals for the Second Circuit, Fifth Circuit, and Federal Circuit and the United States District Courts for the Eastern, Middle, and Western Districts of Louisiana, the Northern, Eastern, and Southern Districts of Texas, and the Northern and Southern Districts of Mississippi.

### **Alayne Gobeille**

Alayne Gobeille is an associate in the Louisiana office of Kahn Swick & Foti, LLC. Ms. Gobeille completed her undergraduate work at the University of California at Davis, earning a B.S. in Fermentation Science in 2000. She went on to earn a Masters Degree in Natural Resources from Cornell University in 2003. After graduate school, Ms. Gobeille worked as a public health researcher, specializing in environmental epidemiology and occupational health.

Ms. Gobeille made the decision to go to law school so that she could better serve the communities she worked with as a scientist. She received her J.D. cum laude from Tulane University Law School in 2011. While at Tulane, Ms. Gobeille was awarded the CALI Award for Academic Excellence in Toxic Torts, was an editor of the Tulane Journal of International and Comparative Law, and received a certificate in Environmental Law.

After law school, Ms. Gobeille worked for a boutique environmental non-profit advocacy organization in Washington D.C. She also served as a law clerk to the Honorable Lawrence J. O'Neill, Chief U.S. District Court Judge for the Eastern District of California, for more than two years. Ms. Gobeille has since returned to Louisiana, where her practice focuses on seeking justice for individuals and organizations who have been victims of securities fraud.

Ms. Gobeille is licensed in Louisiana and the related Federal District Courts.

### **Emily Hall**

Emily Hall is an associate in KSF's New Orleans office and focuses on federal securities class actions.

Ms. Hall received her J.D. from Loyola University New Orleans College of Law in 2016. During her time in law school, Ms. Hall served as a Managing Editor on the Loyola Maritime Law Journal and her article "Pollution on the High Seas: From Jurisdiction to Enforcement and All the Moving Parts in Between" was selected for publication in the Summer 2016 volume.

Prior to joining KSF, Ms. Hall served as the judicial law clerk the Honorable J. Sterling Snowdy of the 40th Judicial District Court where she gained valuable experience in civil procedure, litigation, research and writing. She has also worked as a family law attorney for a local New Orleans firm, appearing in Orleans Parish Civil District Court and the 24th Judicial District Court of Jefferson Parish.

Ms. Hall is admitted to practice in Louisiana.

#### **J. Ryan Lopatka**

J. Ryan Lopatka, an associate in KSF's New York office, focuses on federal securities class action litigation. He is involved in cases pending before federal courts across the United States.

Mr. Lopatka received his J.D. from Tulane University Law School in 2010. During the summer of 2009, he studied international capital markets and securities law at Cambridge University and Queen Mary School of Law in London, England. He received his B.A. with honors in history from Loyola University New Orleans in 2004.

Mr. Lopatka is admitted to practice in Louisiana and Illinois and is a member of the Louisiana and Illinois State Bar Associations and Chicago Bar Association.

#### **Kassidy Montgomery**

Kassidy Montgomery is an associate in KSF's New Orleans office and focuses on federal securities class actions.

Ms. Montgomery received her J.D. and D.C.L., *magna cum laude*, from Louisiana State University, Paul M. Hebert Law Center in 2016. During her time in law school, Ms. Montgomery represented her school in two national moot court competitions and received the CALI Award for Academic Excellence in her Corporate Governance Seminar. She received her B.A. from Louisiana Tech University in 2012.

Prior to joining KSF, Ms. Montgomery served as judicial law clerk to the Honorable D. Jason Meche of the 27th Judicial District Court where she gained valuable experience in civil procedure, litigation, research and writing. She also practiced law with a small firm in Houston, TX, representing clients in various criminal, civil, and administrative matters.

Ms. Montgomery is admitted to practice in Louisiana and Texas.

#### **Michael R. Robinson**

Michael R. Robinson, an associate in KSF's Louisiana office, focuses on federal securities class actions as well as shareholder derivative litigation. He is actively involved in cases pending before various federal and state courts across the United States.

Mr. Robinson received his B.A. in Political Science from the University of California at Irvine in 1995, and J.D. With Distinction from The University of Iowa College of Law in 2002. During his time in law school, Mr. Robinson served as Managing Editor on the school's Journal of Transnational Law & Contemporary Problems, and in the summer of 2000, he studied

international corporate law at the University of Heidelberg in Germany. After law school, Mr. Robinson served as a Law Clerk to the Honorable Charles R. Wolle, a federal judge on the United States District Court for the Southern District of Iowa.

Following his judicial clerkship, Mr. Robinson practiced corporate governance litigation in one of Delaware's largest defense firms, and securities arbitration at a prominent New Orleans firm. In 2014, Mr. Robinson earned an LLM degree in Tax from Boston University's School of Law.

Mr. Robinson is admitted to practice in Louisiana, Delaware, and Illinois, and is a member of the Louisiana and Delaware State Bar Associations as well as the Federal and New Orleans Bar Associations.

#### **Christopher Tillotson**

Christopher Tillotson, an associate in KSF's Louisiana office, focuses on shareholder M&A litigation and federal securities class action litigation. He is involved in cases pending before courts across the United States.

Mr. Tillotson received his J.D./M.B.A. in 2014 from Washington University in St. Louis, where he focused his studies on the interplay between securities regulations, advanced finance, accounting, and business acquisitions. During his time in law school, Mr. Tillotson served as an associate editor on the Washington University Journal of Law and Policy and earned an Honor Scholar Award for his academic performance. He received his B.A. in Finance from Tulane University in 2009.

Prior to joining KSF, Mr. Tillotson gained valuable experience serving as outside general counsel for several companies headquartered in New York. He also served as an in-house compliance analyst and legal intern for one of the nation's leading healthcare companies.

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#### **Eda Ayrim Walker**

Eda Ayrim Walker is an associate in KSF's New Orleans office and focuses on shareholder derivative litigation and federal securities class actions.

Ms. Ayrim Walker received her LL.B. from the Istanbul Bilgi University, Faculty of Law in 2012. After graduating from law school, Ms. Ayrim Walker worked as an in-house attorney and as outside general counsel to both domestic and multinational companies in Istanbul, Turkey,

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In 2016, Ms. Ayrim Walker earned a General LL.M. degree with a concentration in business law from Tulane Law School. After receiving her LL.M., Ms. Ayrim Walker served as a Judicial Intern to the Honorable Judge June Berry Darensburg, a Judicial District Court Judge for the Twenty Fourth Judicial District Court in the Jefferson Parish, Louisiana.

Ms. Ayrim Walker is admitted to practice in New York, Louisiana, and Istanbul.

#### **Matthew P. Woodard**

Matthew Woodard, an associate in KSF's Louisiana office, focuses on federal securities class action litigation. He is involved in cases pending before federal courts across the United States.

Mr. Woodard received his J.D. from Tulane University School of Law in 2012, where he served as the Senior Managing Editor for the Tulane Journal of Law & Sexuality: Volume 21. He received his B.A. in English, cum laude with honors, from The University of the South: Sewanee in 2009.

Mr. Woodard is admitted to practice in Louisiana and is a member of the Louisiana State Bar Association.